

**ZONING BOARD OF APPEALS  
SATURDAY, JANUARY 11, 2014  
4:00 P.M.**

**Present:** Acting Chairman Robert Treuhold, T. David Mullen, Alexander Ames, Brendan Ryan, and Village Attorney Richard DePetris

**Absent:** Chairman Ogden Lewis, and Charles Mott

1) Acting Chairman **Robert Treuhold** brought the meeting to order. The board approved the minutes of the **December 7, 2013** meeting into the record. Mr. Treuhold explained that the board had decided to hold the next meeting on **February 22, 2014 at 2 PM**.

2) The first item on the agenda was the application of **Marshall and Linda Heinberg** for setback variances to 50.3 feet from Cooper Lane, to 22.6 feet from southerly line and to 16.6 feet from westerly line in order to permit proposed extended tennis court. Premises are known as **1 Cooper Lane. TM #902-8-1-27**

Attorney **Kittric Motz** was present along with her clients, **Mr. and Mrs. Heinberg**. She explained that she had not received any paperwork from any neighbors in opposition to their application. Mr. Mullen indicated that he spoken to Mrs. Betty Thompson, the neighbor to the south, who said that she had no objections. The tennis court is a regulation size court but their issue is the grass and the constricted nature around the playing surface itself. At the moment, if you step back 2 feet from the playing surface, you would be on the grass an injury could occur. Mrs. Motz submitted a packet with pictures and explained that they wanted to pave up to the fence pole as shown in the photograph. Effectively they wanted to extend the tennis court 6 feet all the way around so the players would not trip on the grass. The board was wondering if, since they were going to be doing work on the court, resurfacing etc., would her clients consider it possible to achieve their objective by moving the court closer to the house as opposed to closer to the neighbor. The board felt that could be an alternative. Mrs. Motz explained that they were asking for a minimal 2.4 foot variance to the south. Mr. Heinberg explained that the reason their proposal was so specific was that there was a very substantial pitch towards the house, and they were trying to minimize going up and down that pitch. Also, there was a cherry tree adjacent to the court which would have to be moved. Using the photographs in the packet, Mrs. Motz showed the board where the slope was that they were concerned about and where the cherry tree was located. She then explained that extending the pavement only 2 feet was not a substantial variance, and given the practical difficulty that the slope on the northerly side presented along with the very old cherry tree, she felt the request was reasonable under said circumstance.

**DECISION: MR. TREUHOLD MOVED TO APPROVE THE APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the application of **Leo Caliandro** for a front yard variance to 67.2 feet from Meadow Lane and a height variance within the required front yard to 20.86 feet in order to permit proposed steps addition and roofed porch addition existing house. Premises are known as **26 Meadow Lane. TM #90211-1-14**

Attorney **Kittric Motz** was present for the applicant. She mentioned that since she had not seen the letter from Mr. Trager, she needed a few minutes to read it over. She then explained that almost all of the work being questioned in Mr. Trager's letter, for which they had building permits, did not require variances. Their plans only involved an alteration to the front steps, and front entrance-way to the property and not even for all of the steps. Their variance request was for the 4 steps, and not the whole porch. Mrs. Motz directed the board's attention to the photographs provided in their packets. In reference to the covered porch, for the total area of 73 SF., only a triangular portion of 22.5 SF. actually required a variance. The board wanted to know if there was any way to eliminate the height variance or create an alternative. Mrs. Motz said her clients purposely made a flat roof over the entrance. It seemed that the balustrade was the only problem. The board decided to accept the variance as proposed.

**DECISION: MR. TREUHOLD MOVED TO GRANT THE VARIANCES AS REQUESTED. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the holdover application of **Joyce and Daniel Flynn**, property located at **23A Lamb Avenue.**

**Mr. and Mrs. Flynn** were present for the discussion. Mr. Treuhold indicated that the board had considered and agreed with the revised application and the proposed covenants and restrictions included, and with the understanding that the shed/garage would never be rented out or used as an apartment, they could approve it.

**DECISION: MR. TREUHOLD MOVED TO GRANT THE REVISED FLYNN APPLICATION WITH THE UNDERSTANDING THAT THE SHED/GARAGE WOULD NEVER BE RENTED OUT OR USED AS AN APARTMENT. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Village Attorney **Rick DePetrìs** asked that the Flynns to have their attorney contact him about some minor modifications that would be necessary for the completion of their declaration.



5) Next was the holdover application of **David Marr**. Attorney **Lisa Kombrink** was present for Mr. Marr. She explained that drawings showing minor revisions by architect Robert Gruber had been submitted since the last hearing, along with her written summary. She expressed that her client needed time to respond to Attorney Sklar's submissions as well as the submission from Drew Bennett in reference to the septic system. Ms. Kombrink also explained that it was her understanding that Mr. Marr had been in communication with his neighbor Mr. Hoogkamp, who would now be submitting a letter in favor of Mr. Marr's application. Real estate agent, **Craig Carbone** came forward with a copy of the letter from Mr. Hoogkamp and presented it to the board. Ms. Kombrink asked that if the board closed the public hearing on her client's applications that day, that the record be held open for written comments for a limited period of time. She requested that they be allowed to get their written submissions included in the record by January 27<sup>th</sup>, which would give her time to go over Attorney Sklar's most recent submission, as well as allowing Mr. Gruber time to review Mr. Bennett's information about the septic system. Ms. Kombrink's initial reaction on Mr. Bennett's submission was that first of all it was based on keeping the homes in their current location, while her client's objection was the relocation the houses to more conforming locations. Second of all, she felt that she would have to have her expert review Mr. Bennett's information. As part of her final submission, Ms. Kombrink wanted to provide the board with a final list of all submissions, to be confirmed with the village office, so that they are sure both sides have all pertinent documents.

Attorney **Theodore Sklar** came forward to address an alternative proposal saying that his client, Mr. Weiner, would support an application that moved house "B" to the west. He also expressed concerned about the letter from Mr. Gruber, so they submitted a written respond from their engineer, Mr. Bennett, in reference to said letter. Mr. Sklar said he had no objection to Ms. Kombrink's request for time to respond to his submissions. The engineer, **Drew Bennett**, came forward and said that he had compared Mr. Marr's proposed upgrades for the 3 septic systems with the SCDH standards. His findings were contained in the letter. He also explained that he developed an alternative placement for the septic systems that he felt would conform to SCDH standards, which information was also contained in the letter he submitted.

**DECISION: MR. TREUHOLD MOVED TO ADJOURN THE PUBLIC HEARINGS ON THE MARR APPLICATION WHILE LEAVING THE RECORD OPEN THROUGH JANUARY 27, 2014 FOR FURTHER WRITTEN SUBMISSIONS, AFTER WHICH THE BOARD WOULD REACH THEIR DECISION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The meeting was adjourned.

Respectfully submitted by:

 File date: 1/31/14